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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Lawson, Eric J.  
Skaggs, James R.

App. No.: 10/767,504

For: Game of Chance



Art Group: 3711

Atty's D/N: LAW101

Mail Stop Petition  
Assistant Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

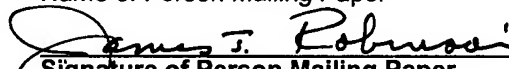
PETITION TO MAKE SPECIAL BECAUSE OF  
ACTUAL INFRINGEMENT  
(37 CFR 1.102 and MPEP § 708.02)

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this NEW APPLICATION TRANSMITTAL and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this 11th day of OCTOBER, 2004, in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV-209-838-945-US addressed to: Mail Stop Petition, Assistant Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

James T. Robinson

Name of Person Mailing Paper

  
Signature of Person Mailing Paper

Applicants hereby petition to make this application special because of actual infringement.

1. Accompanying material

Accompanying this petition is

- (a) A DECLARATION OF FACTS IN SUPPORT OF PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT.

ERIC J. LAWSON & JAMES R. SKAGGS, INVENTORS  
PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT  
ATTORNEY'S D/N LAW101

GAME OF CHANCE  
USPS EXPRESS MAIL # EV-209-838-945-US  
PAGE 1 OF 2

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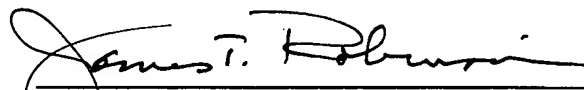
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- (b) DECLARATION BY ATTORNEY IN SUPPORT OF PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT.
- (c) Receipt verification post card.

**2. Fee (37 CFR 1.17[i][2])**

The fee required is to be paid by check number 2492 in the amount of \$130.00, attached hereto.

Date: October 11, 2004



**James T. Robinson**, Reg. No. 33,548  
**EXCLUSIVITY-LAW, INC.**  
222 East Main Street  
Norman, OK 73069-1303  
Telephone 405.292.1911  
Facsimile 405.321.1104  
E-mail [james.robinson@askeli.info](mailto:james.robinson@askeli.info)

ATTORNEY FOR APPLICANTS

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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## **DECLARATION OF FACTS IN SUPPORT OF PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT (MPEP § 708.02)**

We, Eric J. Lawson, 804 N. Park, Shawnee, OK 74801, and James R. Skaggs, 651 Kickapoo Street, Shawnee, OK 74801, the inventors, hereby declare the following:

1. There is an actual infringement of this invention.

In September of 2004, we engaged in discussions with Dave Forman, of Planet Bingo in Rancho Mirage, CA, regarding Planet Bingo's licensing of our Game of Chance for use in Planet Bingo casinos. On or about September 12, 2004, Dave Forman contacted us by e-mail and telephone to say he had bad news – that someone had "beaten us to the punch." Dave advised us he had seen an identical, or at least similar, game of chance available over the internet. Dave included the URL of the internet web site, [www.mccprint.com](http://www.mccprint.com), in his e-mail. We got on the internet and went to the web site, where we saw our Game of Chance invention displayed in detail.

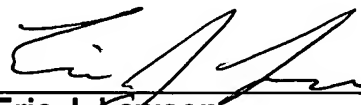
Just prior to our signing this DECLARATION OF FACTS, we again viewed the [www.mccprint.com](http://www.mccprint.com) website and printed out details of the infringing method. The attached materials were printed out from the [www.mccprint.com](http://www.mccprint.com) website.

**ERIC J. LAWSON & JAMES R. SKAGGS, INVENTORS  
DECLARATION OF FACTS  
ATTORNEY'S D/N LAW101**

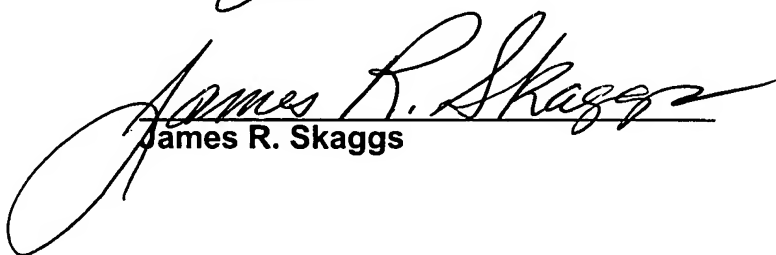
**GAME OF CHANCE  
USPS EXPRESS MAIL #EV-209-838-945-US  
PAGE 1 OF 2**

We hereby declare that all statements made herein of our own knowledge are true and that all statements made of information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any other patent issued thereon.

Date: 10-12-04

  
Eric J. Lawson

Date: 10-12-04

  
James R. Skaggs

## Ⓢ Fundraising

### Football

- Ticket
- More Details
- Profit Charts
- Prize Chart
- Order Form

### March Mania

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### Racing

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### Trifecta

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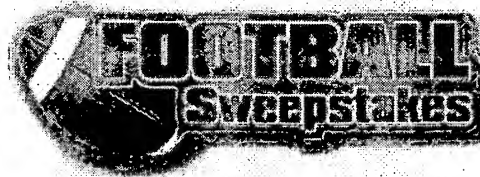
## Ⓢ Instant Win

## Ⓢ Specialty Print

## Ⓢ Commerical Print

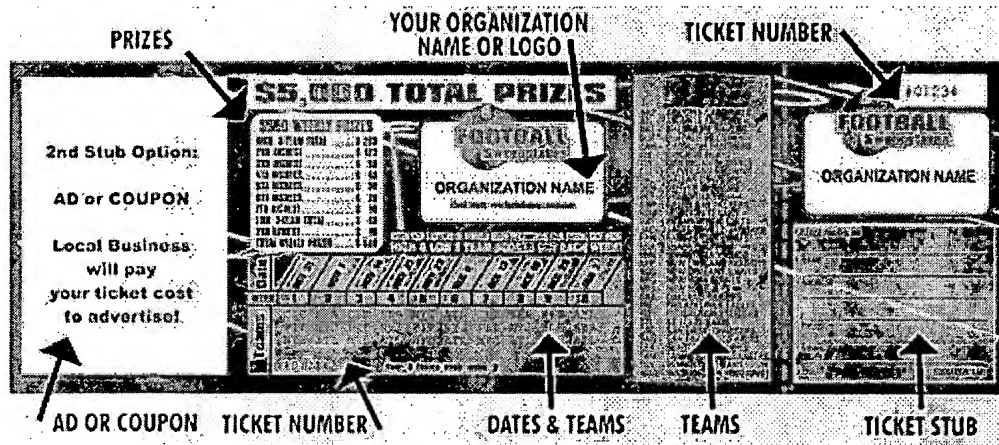
## Ⓢ MCC Print Solutions!

## Ⓢ General Info



## 2004 Football Sweepstakes© Fundraiser

[Home](#) | [More Details](#) | [Profit Charts](#) | [Prize Chart](#) | [Order Form \(PDF\)](#)



## Raise up to \$28,990!

**Football Sweepstakes© Fundraiser** - 32 Pro Football teams are scrambled and divided into "3-team combinations" and printed on tickets. Every ticket will have three teams and change each week. The total number of points scored by each 3 team combination determines winners. Your profit is 65% of your Net Sales! This popular fundraiser will help you make up to \$28,990 by the end of October!

Every ticket has 3 football teams. For example, a ticket may have Chicago Bears, Green Bay Packers, and New England Patriots. If these teams score the **MOST** points the ticket holder will win up to \$200 depending on the program you choose. If their 3 teams scored the **FEWEST** number of points, they will win up to \$100 (see prize charts).

**NEED MORE MONEY?** Raise over \$200,000 with 35,960 4-Team tickets. Call **724.981.7543** for details!

[Home](#) | [More Details](#) | [Profit Charts](#) | [Prize Chart](#) | [Order Form \(PDF\)](#)



⊗ **Fundraising**

Football

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⊗ **Instant Win**

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⊗ **MCC Print Solutions!**

⊗ **General Info**

## Football Sweepstakes® Details

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### Dates (subject to change)

The first date on the 10 week ticket is October 31, 2004 and the last date is January 2, 2005. You receive your tickets in June, July, August or September. You sell tickets up to October 30th.!

### Ticket Cost

Quantity	Price
4,960	\$395.00
3,500	\$380.00
2,500	\$310.00
1,500	\$210.00
1,100	\$170.00

Your order also includes posters, congratulation's letters and winner's lists.

### Coupon

A coupon can be added to the left portion of your tickets. A local business can pay your ticket cost to have their ad on your tickets.

### 65% Profit

You make a 65% profit on your net sales and remit 35% to MCC after you are finished selling tickets. You keep \$6.50 per sale after you reach your prize money. You control all the money!

### File Ticket Stubs

When tickets are sold, the ticket holder fills out the stub with their name and address and you file these stubs in numerical order. The ticket holder keeps the ticket portion with their 3 teams. You will pay out winners regardless if they claim their prize. All prizes are paid out weekly.

### Results Posted on the Internet

MCC will send to you the winning ticket numbers, the winning 3-team combinations, and their scores each week. You send your winners their prizes at that time. Results will be posted on our web page, which also will appear on your tickets. Ticket holders can check results online.

### Compliance

This sweepstakes is a no-purchase necessary promotion and is legal in all 50 states. The \$10 donation is strictly a donation or the purchase of a coupon for a discount on products, internet access, or travel. This

coupon will help drive sales of this exciting fundraiser.

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## Football Sweepstakes@ Profit Charts\*

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**Five Programs to Choose from!**  
**You make a profit of \$6.50 per ticket**  
**AFTER you raise your prize money!**  
**Sell tickets for \$10 and give away CASH PRIZES!**

**Program FB4960 - RAISE \$28,990 • # Tickets: 4,960 • Cash Prizes: \$5,000**

Sales	@	Gross Sales	Less Prizes	Net Sales	Your Profit
1,000	\$10	\$10,000	\$5,000	\$5,000	\$3,250
2,000	\$10	\$20,000	\$5,000	\$15,000	\$9,750
3,000	\$10	\$30,000	\$5,000	\$25,000	\$16,250
4,960	\$10	\$49,600	\$5,000	\$44,600	\$28,990

**Program FB3500 - RAISE \$20,150 • # Tickets: 3,500 • Cash Prizes: \$4,000**

Sales	@	Gross Sales	Less Prizes	Net Sales	Your Profit
1,000	\$10	\$10,000	\$4,000	\$6,000	\$3,900
2,000	\$10	\$20,000	\$4,000	\$16,000	\$10,400
3,000	\$10	\$30,000	\$4,000	\$26,000	\$16,900
3,500	\$10	\$35,000	\$4,000	\$31,000	\$20,150

**Program FB2500 - RAISE \$14,625 • # Tickets: 2,500 • Cash Prizes: \$2,500**

Sales	@	Gross Sales	Less Prizes	Net Sales	Your Profit
500	\$10	\$5,000	\$2,500	\$2,500	\$1,625
1,000	\$10	\$10,000	\$2,500	\$7,500	\$4,875
1,500	\$10	\$15,000	\$2,500	\$12,500	\$8,125
2,500	\$10	\$25,000	\$2,500	\$22,500	\$14,625

**Program 1500 - RAISE \$8,775 • # Tickets: 1,500 • Cash Prizes: \$1,500**

Sales	@	Gross Sales	Less Prizes	Net Sales	Your Profit
500	\$10	\$5,000	\$1,500	\$3,500	\$2,275
1,000	\$10	\$10,000	\$1,500	\$8,500	\$5,525
1,500	\$10	\$15,000	\$1,500	\$13,500	\$8,775

**Program FB1100 - RAISE \$6,175 • # Tickets: 1,100 • Cash Prizes: \$1,500**

Sales	@	Gross Sales	Less Prizes	Net Sales	Your Profit
500	\$10	\$5,000	\$1,500	\$3,500	\$2,275
1,100	\$10	\$11,000	\$1,500	\$9,500	\$6,175

\* Less ticket cost

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## Football Sweepstakes® Prize Chart

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### PRIZES: \$5,000, \$4,000, \$2,500, or \$1,500

Prizes are paid out to the ticket holders with the Highest and Lowest 3-team combination scores. The Highest 5 to 7 and the lowest 2 will win a prize. If there are ties, prizes are combined and split. It doesn't matter whether teams win or lose.

	PRIZES				
Position	FB4960	FB3500	FB2500	FB1500	FB1100
<b>TOTAL PRIZES</b>	<b>\$5,000</b>	<b>\$4,000</b>	<b>\$2,500</b>	<b>\$1,500</b>	<b>\$1,500</b>
<b>Highest 3 Team</b>	<b>\$200</b>	<b>\$100</b>	<b>\$100</b>	<b>\$50</b>	<b>\$50</b>
<b>2nd Highest</b>	<b>\$100</b>	<b>\$70</b>	<b>\$50</b>	<b>\$30</b>	<b>\$30</b>
<b>3rd Highest</b>	<b>\$50</b>	<b>\$60</b>	<b>\$30</b>	<b>\$20</b>	<b>\$20</b>
<b>4th Highest</b>	<b>\$40</b>	<b>\$50</b>	<b>\$20</b>	<b>10</b>	<b>\$10</b>
<b>5th Highest</b>	<b>\$30</b>	<b>\$40</b>	<b>\$10</b>	-	-
<b>6th Highest</b>	<b>\$20</b>	<b>\$30</b>	-	-	-
<b>7th Highest</b>	<b>\$10</b>	<b>\$10</b>	-	-	-
<b>Lowest 3 Teams</b>	<b>\$30</b>	<b>\$30</b>	<b>\$30</b>	<b>\$30</b>	<b>\$30</b>
<b>2nd Lowest</b>	<b>\$20</b>	<b>\$10</b>	<b>\$10</b>	<b>\$10</b>	<b>\$10</b>
<b>TOTAL WEEKLY</b>	<b>\$500</b>	<b>\$400</b>	<b>\$250</b>	<b>\$150</b>	<b>\$150</b>

## Instant Win

## Specialty Print

## Commerical Print

## MCC Print Solutions!

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# ORDER FORM

TO ORDER: FAX TO: 412-291-1407

SEND TO: MCC, 221 Snyder Road, Hermitage, PA 16148

E-MAIL TO: info@mccprint.com

PHONE: 724-981-7543 or 724-983-1066



**FOOTBALL**  
**Sweepstakes**

ORGANIZATION \_\_\_\_\_ DATE \_\_\_\_\_

YOUR NAME \_\_\_\_\_ PHONE \_\_\_\_\_

TITLE \_\_\_\_\_ FAX \_\_\_\_\_

ADDRESS \_\_\_\_\_ E-MAIL \_\_\_\_\_

PLEASE DELIVER TICKETS BY (date) \_\_\_\_\_

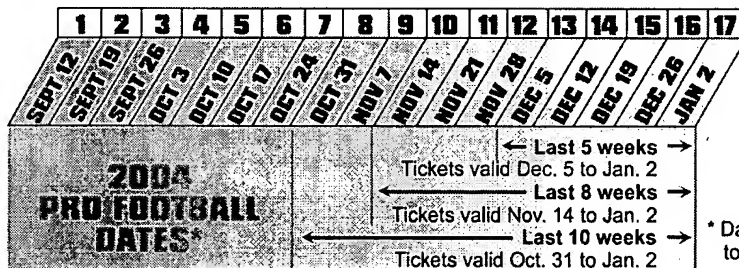
Do you want an extra stub on your tickets for an ad or coupon?

☐ YES ☐ NO If Yes, what goes on the stub \_\_\_\_\_

Organization Name  
as it is to appear  
on your tickets: \_\_\_\_\_

☐ NUMBER OF WEEKS ON OUR TICKETS: ☐ 10 ☐ 8 or ☐ 5

**NUMBER OF WEEKS:**  
The Pro Football Season is 17 weeks. Football Sweepstakes tickets are valid the last 10, 8, or 5 weeks of the season. You can sell tickets up to the first date on your tickets.



☐ PRINT OUR LOGO or MASCOT ON OUR TICKETS. I am ☐ enclosing artwork or

☐ Use MCC's clip art. The logo or mascot is a \_\_\_\_\_

PREFERRED TICKET COLORS (2): \_\_\_\_\_ & \_\_\_\_\_

SIGNATURE \_\_\_\_\_

## SEND ME THE TICKETS CHECKED:

<input type="checkbox"/> #FB4960	<input type="checkbox"/> #FB3500	<input type="checkbox"/> #FB2500	<input type="checkbox"/> #FB1500	<input type="checkbox"/> #FB1100
No. of tickets: 4,960	No. of tickets: 3,500	No. of tickets: 2,500	No. of tickets: 1,500	No. of tickets: 1,100
Cost \$395.00	Cost \$380.00	Cost \$310.00	Cost \$210.00	Cost \$170.00
Shipping \$ 15.00	Shipping \$ 15.00	Shipping \$ 15.00	Shipping \$ 15.00	Shipping \$ 15.00
<b>TOTAL \$410.00</b>	<b>TOTAL \$395.00</b>	<b>TOTAL \$325.00</b>	<b>TOTAL \$225.00</b>	<b>TOTAL \$185.00</b>

☐ CHECK ENCLOSED ☐ BILL ME ☐ CHARGE: (circle one)

Exp. Date \_\_\_\_\_

Print Name on card \_\_\_\_\_

Signature \_\_\_\_\_ Amount \$ \_\_\_\_\_

☐ Our organization agrees to remit \$3.50 per ticket sold to MCC after we reach our prize money. We will keep \$6.50 per ticket sold. We will also return any unsold tickets to MCC at this time. Results will be sent to us each week by MCC with the winning ticket numbers, teams, and the total number of points scored.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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Skaggs, James R.**

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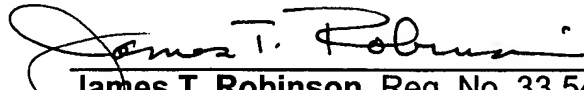
**DECLARATION BY ATTORNEY IN SUPPORT OF PETITION TO MAKE  
SPECIAL BECAUSE OF ACTUAL INFRINGEMENT (MPEP § 708.02)**

I, James T. Robinson, the attorney for the applicants in this case, hereby make the following declarations:

1. I have made a rigid comparison of the alleged infringing method referred to in the accompanying DECLARATION OF FACTS IN SUPPORT OF PETITION TO MAKE SPECIAL BECAUSE OF ACTUAL INFRINGEMENT with the claims in this application.
2. In my opinion, claims 1-7 on file in this application are unquestionably infringed.
3. I have a good knowledge of the pertinent prior art and all such material art was provided to the examiner simultaneously with the filing of this application.
4. I believe all the claims in this application as on file are allowable.
5. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false

statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any other patent issued thereon.

Date: October 11, 2004



**James T. Robinson, Reg. No. 33,548**

**EXCLUSIVITY-LAW, INC.**

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ATTORNEY FOR APPLICANTS

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